

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

MINERVA INDUSTRIES, INC.,

Plaintiff,

v.

MOTOROLA, INC., et al.

Defendants.

Civil Action No: 2-07 CV-229

**The Honorable T. John Ward
United States District Judge**

AND RELATED COUNTERCLAIMS.

**MINERVA INDUSTRIES, INC.'S REPLY
TO PANTECH WIRELESS, INC.'S COUNTERCLAIMS**

Plaintiff Minerva Industries, Inc. files this Reply to Pantech Wireless, Inc.'s Counterclaims and alleges as follows:

THE PARTIES

1. Plaintiff Minerva Industries, Inc. ("Minerva") admits the allegations in paragraph 109 of Pantech Wireless, Inc.'s ("Pantech") Counterclaims ("Counterclaims").
2. Minerva admits the allegations in paragraph 110 of the Counterclaims.

JURISDICTION

3. Minerva admits the allegations in paragraph 111 of the Counterclaims.

VENUE

4. Minerva admits the allegations in paragraph 112 of the Counterclaims.

FIRST COUNTERCLAIM

(Declaratory Judgment of Non-Infringement)

5. Minerva repeats and incorporates by reference the allegations contained in paragraphs 1 through 4 above as if fully set forth herein.
6. Minerva admits the allegations in paragraph 114 of the Counterclaims.

7. Minerva admits the allegations in paragraph 115 of the Counterclaims.
8. Minerva denies the allegations in paragraph 116 of the Counterclaims.

SECOND COUNTERCLAIM

(Declaratory Judgment of Invalidity)

9. Minerva repeats and incorporates by reference the allegations contained in paragraphs 1 through 8 above as if fully set forth herein.

10. Minerva admits the allegations in paragraph 118 of the Counterclaims.
11. Minerva admits the allegations in paragraph 119 of the Counterclaims.
12. Minerva denies the allegations in paragraph 120 of the Counterclaims.

THIRD COUNTERCLAIM

(Declaratory Judgment of Unenforceability)

13. Minerva repeats and incorporates by reference the allegations contained in paragraphs 1 through 12 above as if fully set forth herein.

14. Minerva denies the allegations in paragraph 122 of the Counterclaims.

RELIEF

Minerva denies that Pantech is entitled to any relief requested in the prayer for relief in its Counterclaims, or any other relief whatsoever.

Dated: January 25, 2008

By: /s/ Marc A. Fenster

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on January 25, 2008. Any other counsel of record will be served via First Class U.S. Mail on this same date.

By: /s/ Marc A. Fenster